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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/585,247 | 07/05/2006 | Shinichi Wada | 050850-07108 | 9597 |
| 52989 | 7590 | 05/13/2009 | | |
| Dickinson Wright PLLC James E. Ledbetter, Esq. International Square 1875 Eye Street, N.W., Suite 1200 Washington, DC 20006 | | | EXAMINER ASHFORD, TAMARA R | |
| | | | ART UNIT 2627 | PAPER NUMBER |
| | | | MAIL DATE 05/13/2009 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/585,247

Applicant(s)

WADA, SHINICHI

Examiner

Tamara Ashford

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
- Paper No(s)/Mail Date 7/5/06
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

This is in response to the application filed on July 5, 2006 in which claims 1-11 are presented for examination.

1. It would be of great assistance to the Office if all incoming papers pertaining to a filed application carried the following items:

1. Application number (checked for accuracy, including series code and serial no.).
2. Group art unit number (copied from most recent Office communication).
3. Filing date.
4. Name of the examiner who prepared the most recent Office action.
5. Title of invention.
6. Confirmation number (See MPEP § 503).

Priority

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. PCT/JP2005/013833, filed on July 28, 2005.

Drawings

3. The drawings were received on July 5, 2006. These drawings are accepted.

Specification

4. The abstract of the disclosure is objected to because it is more than one paragraph in length, and it exceeds the 150 word requirement. Correction is required. See MPEP § 608.01(b).

5. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

6. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 2, 4, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saji et al. (US 20020159373 A1) in view of Watanabe et al. (US 6,529,461 B1).

Regarding claim 1, Saji et al. (hereinafter referred as "Saji") discloses a disk apparatus (Fig. 1A, 1, and Paragraph 76) comprising a chassis outer sheath having a base body (Fig. 1A, 100 and Paragraph 77) and a lid (Fig. 1B, 90). A disk inserting opening into which a disk is directly inserted is formed on the front surface of the sheath (Paragraph 79). The base body is formed with a deep bottom (Fig. 1B, 90a) and a shallow bottom (Fig. 1B, 90f). As shown in figure 1B the shallow bottom is

disposed on a side of the deep bottom and the lid covers both. Saji does not disclose a first and second narrow groove. Watanabe et al. (hereinafter referred as "Watanabe") discloses a disk apparatus in which the lid has a first narrow groove (Fig. 16, 75) having a pre-determined length projecting toward the base body and a second narrow groove (Fig. 16, 76, or Fig. 17A, 77) having a predetermined length projecting opposite from the first narrow groove. Both grooves are formed on a front end (Fig. 16, and Column 11, lines 60-67 thru Column 12, line 1) of the cover and strengthen it (Column 11, lines 64-66). It would have been obvious to one having ordinary skill in the art at the time the invention was made to add grooves such as those disclosed by Watanabe to the lid disclosed by Saji to strengthen it.

Regarding claim 2, neither Saji nor Watanabe discloses the height of the grooves, however it would have been an obvious matter of design choice to form the first narrow groove such that the height is gradually increased from its center toward its end, since such a modification would have involved a mere change in the size of the component to adjust the rigidity and appearance of the lid. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

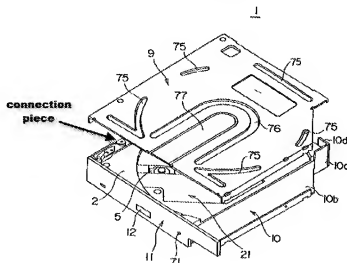
Regarding claim 4, Saji discloses a front guider (Fig. 1A, 250) positioned near the front surface of the disk apparatus which lies astride and fastens to the deep bottom and shallow bottom (Paragraph 85).

Regarding claims 8 and 9, Saji does not disclose a connection piece formed on the deep bottom side wall. Watanabe discloses a connection piece for fastening the

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cover to the base body is formed on an upper end of a sidewall and is parallel to a lower surface of the base body (See Fig. 16 below). It would have been obvious to one having ordinary skill in the art at the time the invention was made to secure the lid disclosed by Saji by utilizing connection pieces such as those disclosed by Watanabe to further reinforce the lid. The placement of the connection piece on the rear side wall of the deep bottom would have been obvious to one having ordinary skill in the art, since it has been held that rearranging parts of an invention involves only routine skill in the art. In re Japikse, 86 USPQ 70 (CCPA 1950).

FIG. 16



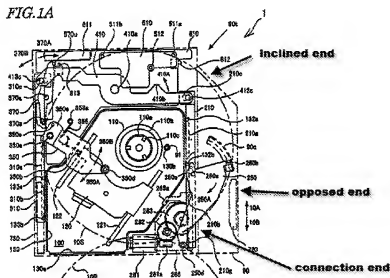
9. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saji (US 20020159373 A1) and Watanabe (US 6,529,461 B1) as applied to claim 1 above, and further in view of Cho et al. (US 20030128645 A1).

Regarding claim 3, Saji discloses the lid is provided at its central portion with an opening (Fig. 1B, 90h, and Paragraph 81) and a ring-like narrowed portion projecting toward the base body (Fig. 1B, 90s). Saji does not disclose the ring-like narrowed portion comprises first and second ring-like narrowed portions. Cho et al. (hereinafter referred as "Cho") discloses a disc apparatus in which the cover is provided with concentric narrowed portions surrounding an opening (Fig. 6, 243, 244a, and Paragraph 40-41). Cho also shows in figure 6 the projecting height (as measured from the bottom surface of the housing) of the outermost ring-like narrowed portion is higher than a projecting height of the inner ring-like narrowed portion. Cho states the projections reinforce the cover (Paragraph 44). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add a second ring-like narrowed portion to the lid disclosed by Saji, as with Cho, to reinforce the lid.

10. Claims 5-7, 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saji (US 20020159373 A1) and Watanabe (US 6,529,461 B1) as applied to claim 1 above, and further in view of Aoyama et al. (US 20050060734 A1).

Regarding claims 5 and 6, Saji discloses the shallow bottom includes a connection end, an opposed end, and an inclined end (see Fig. 1A below). Saji also discloses a side wall (rising portion) that extends toward the lid (Fig. 1B, wall close to 720). Saji does not disclose the side wall has a connection piece formed at its upper end. Aoyama et al. (hereinafter referred as "Aoyama") discloses a disk apparatus with a shallow bottom that has a side wall with connection pieces that extend toward a deep

bottom formed at its upper edge (Fig. 5, 18a, and Paragraphs 70 and 72). Aoyama utilizes the connection pieces to attach the cover to the base and to help provide rigidity (Paragraph 72). It would have been obvious to one having ordinary skill in the art at the time the invention was made to form connection pieces for attaching the lid to the upper edges of the shallow bottom side wall of the disk apparatus disclosed by Saji to provide increased rigidity to the lid.



Regarding claim 7, Saji does not disclose a rising portion formed at the inclined end. Aoyama discloses a rising portion formed on the lid that abuts the inclined end (see Fig. 4 below). It would have been an obvious matter of design choice to form the rising portion on the inclined end rather than the lid, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. In re Einstein, 8 USPQ 167 (CCPA 1931).

Regarding claims 10, and 11, Saji does not disclose a hook attached to the lid. Aoyama discloses a hook (see Fig. 4 below) formed on the sidewall of the cover. It would have been obvious to one having ordinary skill in the art at the time the invention was made to add a hook to the side wall of the lid of the apparatus disclosed by Saji as an installation aid to positively locate the cover to the base during assembly. The location of the hook on the lid would have been an obvious matter of design choice to since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70 (CCPA 1950).

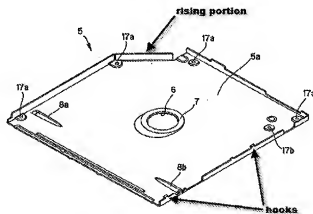


FIG. 4

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamara Ashford whose telephone number is (571)270-5877. The examiner can normally be reached on Mon-Fri 7:30am - 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea Wellington can be reached on (571)272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. A./
Examiner, Art Unit 2627

/Craig A. Renner/
Primary Examiner, Art Unit 2627